

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Eric Rigue	Team: Squad #3	CCRB Case #: 201605265	<input checked="" type="checkbox"/> Force <input checked="" type="checkbox"/> Discourt. <input type="checkbox"/> U.S. <input checked="" type="checkbox"/> Abuse <input type="checkbox"/> O.L. <input type="checkbox"/> Injury		
Incident Date(s) Saturday, 06/11/2016 8:53 PM	Location of Incident: [REDACTED]		Precinct: 81	18 Mo. SOL 12/11/2017	EO SOL 12/11/2017
Date/Time CV Reported Sun, 06/12/2016 2:40 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 06/17/2016 11:07 AM		

[illegible][illegible]

Subject Officer(s)	Shield	TaxID	Command
1. POM Abel Lovera	01160	954081	081 PCT
2. Officers			081 PCT
3. An officer			081 PCT
4. LT Roman Israilov	00000	932816	081 PCT
5. POF Emily Harris	20669	941882	081 PCT
6. POM Manuel Mancheno	26266	954091	081 PCT
7. POF Lace Kirk	14349	956802	081 PCT
8. POM Isiah Spence	23588	955524	081 PCT
9. POM Diery Louis	29819	940395	081 PCT
10. POM Michael Swift	26931	931288	081 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POF Jennifer Fermin	19721	958582	081 PCT
2. POM Alexander Morales	19469	943584	081 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Diery Louis	Discourtesy: Police Officer Diery Louis spoke discourteously to § 87(2)(b)	
B. Officers	Discourtesy: Officers spoke discourteously to § 87(2)(b) and individuals.	
C.LT Roman Israilov	Abuse: Lieutenant Roman Israilov threatened to issue summonses to individuals.	
D. Officers	Abuse: Officers threatened to arrest § 87(2)(b) and individuals.	
E.POF Emily Harris	Discourtesy: Police Officer Emily Harris spoke discourteously to § 87(2)(b)	
F.POM Abel Lovera	Force: Police Officer Abel Lovera used physical force against § 87(2)(b)	
G.LT Roman Israilov	Force: Lieutenant Roman Israilov used physical force against § 87(2)(b)	
H.POF Emily Harris	Force: Police Officer Emily Harris used physical force against § 87(2)(b)	
I. Officers	Force: Officers used physical force against § 87(2)(b)	
J. An officer	Abuse: An officer restricted § 87(2)(b)'s breathing.	
K. An officer	Force: An officer used a chokehold against § 87(2)(b)	
L. Officers	Force: Officers used physical force against § 87(2)(b) and individuals.	
M.POM Isiah Spence	Force: Police Officer Isiah Spence used physical force against individuals.	
N.POM Diery Louis	Force: Police Officer Diery Louis used physical force against individuals.	
O.POM Manuel Mancheno	Force: Police Officer Manuel Mancheno used physical force against individuals.	
P.POF Lace Kirk	Force: Police Officer Lace Kirk used physical force against individuals.	
Q.POF Emily Harris	Force: Police Officer Emily Harris used physical force against § 87(2)(b)	
R.POF Emily Harris	Abuse: Police Officer Emily Harris threatened to arrest § 87(2)(b)	
S. Officers	Force: Officers struck § 87(2)(b) and individuals with their batons.	
T. Officers	Force: Officers used pepper spray against § 87(2)(b) and individuals.	
U.POM Michael Swift	Discourtesy: Police Officer Michael Swift spoke discourteously to § 87(2)(b)	
V.POM Michael Swift	Discourtesy: Police Officer Michael Swift spoke discourteously to § 87(2)(b)	

Officer(s)	Allegation	Investigator Recommendation
W.POM Michael Swift	Abuse: Police Officer Michael Swift threatened § 87(2)(b) with the use of force.	
X.POM Michael Swift	Abuse: Police Officer Michael Swift refused to provide his name and/ or shield number to § 87(2)(b)	
§ 87(4-b), § 87(2)(g)		

Case Summary

On June 12, 2016, § 87(2)(b) filed this complaint with the CCRB via telephone.

On June 11, 2016, at approximately 8:53 p.m., § 87(2)(b) was hosting a party for her § 87(2)(b) old daughter in § 87(2)(b) in Brooklyn. Between 100 and 200 guests were at this party, including § 87(2)(b) s § 87(2)(b) old son § 87(2)(b) her § 87(2)(b) old son § 87(2)(b) her § 87(2)(b) old daughter § 87(2)(b) her adult daughter § 87(2)(b) her sister § 87(2)(b) s father § 87(2)(b) and family friends § 87(2)(b)

§ 87(2)(b) and a female only known as § 87(2)(b) § 87(2)(b) also had her three year old daughter, § 87(2)(b) at the party. This party included inflatable bouncy houses, horses, multiple grills, and rented tables, chairs, and tents. PO Diery Louis and PO Isiah Spence, of the 81st Precinct, observed the party during their patrol and drove into the playground to investigate. On entering the playground, PO Louis and PO Spence asked the party guests to see a permit. § 87(2)(b) approached PO Louis and PO Spence and presented them with a NYC Parks Department permit application and a money order, which he claimed were a valid permit. PO Louis and PO Spence then went back to their RMP where PO Louis or PO Spence radioed Lieutenant Roman Israilov, also of the 81st Precinct, to inform him of the situation. PO Louis then drove the RMP closer to the crowd with emergency lights on and while doing so allegedly came close to hitting a young female. When PO Louis and PO Spence got out of their RMP again, § 87(2)(b) complained to PO Louis about his driving and PO Louis allegedly replied by telling her to watch her kid while using discourteous language (**Allegation A**). Meanwhile, Lieutenant Israilov sent a radio request for additional units to go to § 87(2)(b) Lieutenant Israilov subsequently arrived at the park with PO Lace Kirk, PO Abel Lovera, PO Manuel Mancheno, PO Emily Harris, PO Alexander Morales, and approximately 20 to 25 other officers from the 81st Precinct. On arriving at the scene, the officers began issuing commands for everyone to leave the park. Various individuals got upset and complied slowly or not at all. In response, various officers told individuals to, “Get the fuck out of the park!” and, “Get your asses out of the park!” (**Allegation B**). Officers also told individuals, including § 87(2)(b) that they would be arrested or summonsed if they did not leave the park (**Allegations C and D**).

§ 87(2)(b) became upset and approached a group of officers that included PO Lovera, PO Harris, and Lieutenant Israilov. § 87(2)(b) cursed at the officers and complained that they should leave everyone alone because they had a permit for the party. PO Harris instructed another individual, “Get his ass out of here!” in reference to § 87(2)(b) (**Allegation E**). § 87(2)(b) moved right in front of PO Lovera and continued to yell and curse. PO Lovera responded by pushing § 87(2)(b) a couple feet back using his hand (**Allegation F**). § 87(2)(b) slapped PO Lovera’s hand in response and Lieutenant Israilov instructed the officers to place § 87(2)(b) under arrest. PO Lovera, Lieutenant Israilov, PO Harris, and other officers then grabbed § 87(2)(b) and tried to handcuff him while § 87(2)(b) pulled away (also **Allegation F** and **Allegations G, H, and I**). During this struggle, an officer allegedly restricted § 87(2)(b) s breathing by squeezing the back of his neck (**Allegation J**). § 87(2)(b) held onto § 87(2)(b) to prevent the officers from handcuffing him and so an unknown male officer allegedly put his arm around § 87(2)(b) s throat and pulled her away from § 87(2)(b) (**Allegation K**). In addition to § 87(2)(b) and other individuals intervened and pulled § 87(2)(b) away from the officers. In response,

PO Spence, PO Louis, PO Mancheno, PO Kirk and other unknown officers pushed and pulled these individuals away from the officers handcuffing § 87(2)(b) (**Allegations L, M, N, O, and P**). PO Harris also allegedly grabbed § 87(2)(b) and said that she would lock him up, because he was being disorderly too (**Allegation Q and R**). During the melee, unknown officers allegedly drew their batons and struck individuals, including § 87(2)(b) and § 87(2)(b) (**Allegation S**). At the same time, other unknown officers used pepper spray, which hit individuals, including § 87(2)(b) an individual only known as § 87(2)(b) and § 87(2)(b) (**Allegation T**). One of those officers allegedly said, “I’m going to pepper spray all you mother fuckers!” (also **Allegation B**). § 87(2)(b) was eventually taken to the ground by PO Harris and Lieutenant Israilov and then handcuffed by PO Harris (also **Allegations G and H**). § 87(2)(b) was then escorted to PO Spence and PO Louis’s RMP by PO Lovera and other officers who allegedly dragged him a short distance to the RMP (also **Allegation F and Allegation I**). § 87(2)(b) was then transported to the 81st Precinct stationhouse where he was charged with § 87(2)(b)

After § 87(2)(b) was escorted from the scene, PO Michael Swift and PO Jennifer Fermin, also of the 81st Precinct, arrived on the scene. When PO Swift told § 87(2)(b) she could not reenter the park, § 87(2)(b) replied that she had to trespass in order to clean up the park. PO Swift allegedly replied, “You have a smart ass mouth” (**Allegation U**). § 87(2)(b) walked away, but came back and began yelling about the officers while § 87(2)(b) attempted to pull her away. PO Swift allegedly told § 87(2)(b) “You’re the one with the smart ass mouth” (also **Allegation U**). PO Swift also allegedly told § 87(2)(b) to, “Get the fuck out of the park” (**Allegation V**). § 87(2)(b) then allegedly began writing shield numbers onto a napkin she was holding. PO Swift allegedly told § 87(2)(b) “What the hell you doing? Because you’re not going to be getting no one’s badge number around here recorded.” § 87(2)(b) replied that it was her right and PO Swift allegedly drew and pointed his Taser at § 87(2)(b) while telling her to put her hands behind her back (**Allegation W**). § 87(2)(b) asked, “For what? I’m doing nothing! I need your badge number!” PO Swift allegedly refused and threatened to Taser her again (also **Allegation W and Allegation X**). § 87(2)(b) was then handcuffed by PO Fermin and transported to the 81st Precinct stationhouse. § 87(2)(b) was issued two C-summonses for § 87(2)(b)

§ 87(2)(b) No individuals were injured in this incident beyond exposure to pepper spray, and the investigation was not able to determine whether any individuals received any medical treatment for pepper spray.

§ 87(2)(b) provided four cell phone videos of this incident to the investigation. Two of these videos labeled as video# 1 and video# 3 were used in the analysis of the allegations and are linked below. Video# 2 is a brief video that shows the backs of a large crowd standing in front of a chain link fence, but does not show any officers or known victims. Video# 4 was a short video showing a female complaining that the officers used pepper spray and coughing, but shows no officers. Because neither of these videos show any officers, they were not used in the analysis of the recommended dispositions.

Video# 1:



201605265_20161018_1306_DM.mp4

Video# 3:



201605265_20161018_1308_DM.mp4

Video footage of the Breevoort Houses was also received from NYCHA. Parking lot footage from the Breevoort Houses showed between 50 and 100 individuals walking to cars. However, because this footage shows no officers and no significant activity, and because the investigation subsequently learned that the party was held at § 87(2)(b) and not the Brevoort Playground, the footage was not used in the analysis of the allegations.

This case was closed past 90 days because of the need to complete contact attempts for 21 victims and witnesses, and because of a 58 day delay in receiving documents from the 81st Precinct, which were essential for identifying subject officers.

Mediation, Civil and Criminal Histories

- This case was not suitable for mediation due to § 87(2)(b)'s arrest with no DAT and also it would have been impractical due to the size of the incident.
- On October 21, 2016, a FOIL request to the Office of the Comptroller confirmed that no Notices of Claim were filed for this incident by § 87(2)(b) or § 87(2)(b) (01 Board Review).
- § 87(2)(b)
- § 87(2)(b)
- § 87(2)(b)
- § 87(2)(b) has no conviction history (02 Board Review).

Civilian and Officer CCRB Histories

- § 87(2)(b) [REDACTED]
- § 87(2)(b) [REDACTED]

§ 87(2)(b)

- This is § 87(2)(b) and § 87(2)(b)'s first CCRB complaint (03 Board Review).
- PO Lovera has been a member of the NYPD for three years and this is his first CCRB complaint.
- Lieutenant Israilov has been a member of the NYPD for 13 years and has two other CCRB cases. CCRB# 201507239 involves five allegations including one substantiated allegation for a vehicle search. The CCRB and NYPD disposition of this allegation was formalized training. CCRB# 201606639 is under active investigation and involves one allegation of force used to restrain an individual. § 87(2)(g)
- PO Harris has been a member of the NYPD for 10 years and has 12 other CCRB cases involving 22 allegations and no substantiated allegations. § 87(4-b), § 87(2)(g)

§ 87(2)(g)

- PO Fermin has been a member of the NYPD for 1 year and this is her first CCRB case.
- PO Mancheno has been a member of the NYPD for three years and has been involved in one other CCRB case (201306539) involving one allegation, which was not substantiated and § 87(2)(g) § 87(4-b), § 87(2)(g)
- PO Kirk has been a member of the NYPD for two years and this is her first CCRB complaint.
- PO Spence has been a member of the NYPD for three years and this is his first CCRB complaint.
- PO Louis has been a member of the NYPD for 10 years and has been involved in 24 other CCRB cases involving 61 allegations including one substantiated allegation in CCRB 201303865 for a discourteous action. § 87(4-b), § 87(2)(g)

§ 87(2)(b) In 200709343 PO Louis was exonerated for threatening to use pepper spray to control a crowd. In 201004719 PO Louis was accused of using pepper spray on a disorderly crowd, but the case was truncated. In 201012505 PO Louis was exonerated for using pepper spray against individuals. In 21105019 PO Louis was accused of using pepper spray, but the case was truncated. In 201110079 PO Louis was exonerated for using pepper spray against individuals. In 201411930 PO Louis was accused of using pepper spray, but the case was truncated. In 201402548 PO Louis was accused of using a chokehold, but the case was truncated. In 201412590 PO Louis was accused of using his baton as a club, but the allegation was unfounded.

- PO Swift has been a member of the NYPD for 14 years and has been involved in six other CCRB cases involving five allegations and no substantiated allegations. § 87(2)(g)

Potential Issues

- § 87(2)(b) and § 87(2)(b) did not cooperate with providing verified statements.
- Documents necessary to identify subject officers were not received from the 81st Precinct until August 19, 2016, 58 days after being initially requested.

- Only one Threat, Resistance, Incident report was prepared for this incident and no Unusual Occurrence report was prepared for this incident.

Findings and Recommendations

Explanation of Subject Officer Identification

With regard to **Allegation A**:

- In her CCRB interview § 87(2)(b) described the subject of Allegation A as driving an RMP into the park with emergency lights on and being a black male, 5'5"-5'7" tall, heavy-set, bald. In a previous phone statement, § 87(2)(b) also said that the subject of **Allegation A** was driving an RMP, but described him as a white male, bald, 5'9" to 6'1" tall, 180-200 pounds, freckles or red spots on face (18 and 28 Board Review).
- PO Louis and PO Spence acknowledged being the only officers on the scene when **Allegation A** allegedly took place and also acknowledged that PO Louis drove their RMP up to the crowd with emergency lights on. PO Louis and PO Spence both denied using any profanity toward § 87(2)(b) or interacting with her. Neither officer recognized § 87(2)(b) from her driver's license photo (38 and 39 Board Review).
- PO Spence's photo and pedigree showed him to be a 38 year old black male, 6'1" tall, 215 pounds, with an average build, and short black hair (06 Board Review).
- PO Louis's photo and pedigree showed him to be a 38 year old black male, 5'11" tall, 198 pounds, with an average build, and short receding black hair (06 Board Review).

§ 87(2)(g)
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]

With regard to **Allegations B and E**:

In this case, the civilians provided generally inconsistent or incomplete descriptions of the subject officers for these allegations of discourtesy, descriptions that were not sufficiently similar to any officers determined to have responded to this incident. The officers all consistently denied speaking discourteously toward civilians, except for PO Harris who acknowledged using a discourtesy in reference to § 87(2)(b). Furthermore, all the officers except for PO Kirk denied hearing other officers use any discourtesies and PO Kirk did not recall which officers she heard using discourtesies. § 87(2)(g)

[REDACTED]
 [REDACTED]
 [REDACTED]

With regard to **Allegation C**:

Because Lieutenant Israilov acknowledged that he advised individuals they could be issued summonses and because he was the highest ranking officer on the scene, **Allegation C** was pleaded against him.

With regard to **Allegation J:**

Although § 87(2)(b) alleged that a white male and a black male officer choked § 87(2)(b) simultaneously, this account was not corroborated by the testimony of § 87(2)(b) or § 87(2)(b)'s video. Although, § 87(2)(b) could not see who restricted his breathing by squeezing the back of his neck, § 87(2)(b) described an officer matching Lieutenant Israilov as holding § 87(2)(b) down by his neck. Video# 3 shows Lieutenant Israilov and PO Harris touching the back of § 87(2)(b)'s neck at around the time § 87(2)(b) alleged his breathing to be restricted. Upon reviewing the video, § 87(2)(b) said that he did not realize that two officers had touched his neck and said that his breathing was restricted at some point during the handcuffing process, but he could not recall if that occurred at the point of the incident the video captured. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

With regard to **Allegations D, I, K, L, S, and T:**

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegations Not Pleaded

- Although § 87(2)(b) alleged that PO Lovera cursed at her over the phone when she called the stationhouse on June 12, 2016 to get information on § 87(2)(b)'s charges, § 87(2)(b) was not able to provide any specific statements that PO Lovera made. Therefore, no allegation was pleaded (42 Board Review).
- In her phone statement, § 87(2)(b) alleged that officers trampled § 87(2)(b). However, because § 87(2)(b) did not make this allegation during her CCRB interview and because § 87(2)(b) never alleged this, no allegation was pleaded (07, 08, 20, 22, and 26 Board Review).
- § 87(2)(b) said in her CCRB interview that an Asian male officer repeatedly referred to her as “baby” and told her “Come on. Put your fucking hands behind your back.” § 87(2)(g)
- § 87(2)(b) alleged that an officer said, “Shit, I don’t want to be here. We got our own fucking party to go to.” § 87(2)(g)
- Although § 87(2)(b) alleged PO Harris and Lieutenant Israilov choked him by grabbing the back of his neck, § 87(2)(b) never alleged that either officer made any contact with his throat. § 87(2)(g)

§ 87(2)(g)

Allegation B – Discourtesy: Officers spoke discourteously to § 87(2)(b) and individuals.

Allegation J –Force: An officer restricted § 87(2)(b) s breathing.

Allegation K–Force: An officer used a chokehold against § 87(2)(b)

Allegation S –Force: Officers struck § 87(2)(b) and individuals with their batons.

Allegation T –Force: Officers used pepper spray against § 87(2)(b)

and individuals.

§ 87(2)(g)

Allegation C –Abuse of Authority: Lieutenant Roman Israilov threatened to issue summonses to individuals.

Allegation D –Abuse of Authority: Officers threatened to arrest § 87(2)(b) and individuals.

§ 87(2)(b) said that she had a permit to throw a large party for her young child which was valid until 9:00 p.m. Alcohol was not served at this event, but § 87(2)(b) had a couple of alcoholic drinks throughout the day. At exactly 8:53 p.m., unknown officers came to the park and asked whether there was a permit. § 87(2)(b) handed the officers her permit, and they told her that her permit was bogus and her event was over and she had to pack up her stuff and leave.

§ 87(2)(b) complained that the permit was valid and she still had seven rented tables and other equipment out, as well as significant trash that would take a while to clean up. § 87(2)(b) s prior phone statement to IAB was generally consistent with her interview. § 87(2)(b) presented a photo of her alleged permit to the investigation. Upon review, the document was an application for a Parks Department permit and not an actual permit (07, 08, and 20 Board Review).

§ 87(2)(b) believed that people were drinking alcohol at the party and he had two cups of Hennessy himself. § 87(2)(b) presented the permit to use the park to the officers. When they said it had expired and everyone had to leave or they would receive summonses for staying in the park after hours, he told the officers it was valid. § 87(2)(b) s phone statement was generally consistent with his interview, but he said that a male officer said to him, “Get out of the park or I’m going to lock you up” (22 and 26 Board Review).

§ 87(2)(b) said the initial officers told the individuals at the party that it was time to shut down and they responded that they were cleaning up. These officers were calm and told people to take whatever time they needed. After a short period of time, over 20 additional officers came into the park in marked police vans. Various individuals in the park became frustrated and challenged the officers by asking, “Why you messing with us?” § 87(2)(b) tried to calm everyone down. Various officers responded to the individuals with threats along the lines of, “Do you want

to get arrested?" In his previous phone statement, § 87(2)(b) said that officers entered the park to remove males not associated with the party and began harassing people for no reason (25 Board Review).

§ 87(2)(b) said no alcohol was served at the party, but some people might have been drinking because there was a liquor store around the corner. While § 87(2)(b) was grilling, officers came to the park and said that nobody notified the precinct that they had a permit for the event. These officers then shut down the party and called for backup when people did not move fast enough. The officers told people numerous times to get out of the park (16 Board Review).

§ 87(2)(b)'s CCRB testimony was generally consistent with § 87(2)(b)'s. § 87(2)(b) added in her phone statement that § 87(2)(b) said something an officer did not like and another officer replied, "If you keep running your mouth, we're going to have to arrest you" (18 and 28 Board Review)

§ 87(2)(b) and § 87(2)(b)'s statements were generally consistent with that of § 87(2)(b)

Lieutenant Israilov said that when he and PO Kirk arrived on the scene, he observed about 100 people drinking from containers of beer and hard liquor and grilling on open barbecues. There were already 30-40 officers there when Lieutenant Israilov arrived. Various people had slurred speech, appeared intoxicated, and were unhappy that they were told to disperse. Lieutenant Israilov knew the group did not have a permit because on weekends before the start of tours the stationhouse received a list of all the authorized block parties from the Community Affairs Division, which received a list from the Parks Department. Authorized block parties are subsequently monitored by officers and supposed to be over by 8:00 p.m. Alcohol and grilling are always illegal in the park even with a permit. Lieutenant Israilov instructed his officers to clear out the park and he approached the group and told them to clean up and disperse because it was an unauthorized party. No individual ever tried to show Lieutenant Israilov a permit or other document authorizing the party and he was not sure which individuals he first spoke to. The individuals moved slowly, but complied. Lieutenant Israilov did not remember whether he or any officers made any statements that they would arrest anyone if they did not leave the park, but told the crowd they could be issued summonses if they did not comply. Lieutenant Israilov did not remember whether any other officers made statements that they would summons people if they did not leave the park (30 Board Review).

PO Lovera's statement was generally consistent with that of Lieutenant Israilov, but he added that he and other officers probably told individuals that they could be arrested if they did not leave the park. PO Lovera said he did not remember, but he probably did this, because the situation was out of control (31 Board Review).

PO Mancheno, PO Kirk, PO Harris, PO Spence, and PO Louis's statements were generally consistent with those of Lieutenant Israilov and PO Lovera (36-39 Board Review).

PO Swift and PO Fermin said that they only arrived at the park later after § 87(2)(b) had been arrested (32 and 25 Board Review).

Penal Law sub section 240.20 says that a person is guilty of disorderly conduct when they congregate with other persons in a public place and refuse to comply with a lawful order of the police to disperse (43 Board Review).

Parks Department Regulation S1-03 says that no person shall fail, neglect, or refuse to comply with the lawful direction or command of any police officer. The rule also says that when a permit is required, no activities shall commence until a permit is issued (44 Board Review).

§ 87(2)(g)

[REDACTED]

Allegation E –Discourtesy: Police Officer Emily Harris spoke discourteously to § 87(2)(b)

§ 87(2)(b) said that either PO Harris, Lieutenant Israilov, or a black male officer told § 87(2)(b) to, "Sit the fuck down!" when he was trying to talk to them (13 Board Review).

§ 87(2)(b) acknowledged drinking two cups of Hennessy during the party and said that he tried to tell the officers that he had a permit for the party, but they would not listen and told him to leave the park. § 87(2)(b) did not comply with these instructions and continued to try to speak to the officers. § 87(2)(b) did not say that any officers used profanity toward him (22 and 26 Board Review).

§ 87(2)(b)

§ 87(2)(b) and § 87(2)(b) generally confirmed they watched § 87(2)(b) get upset and yell at the officers while trying to explain that the people had a permit. No other civilians corroborated that officers used profanity toward § 87(2)(b).

PO Harris said that § 87(2)(b) who had been sitting on a bench and drinking out of a large bottle of Hennessy, approached the officers and yelled that he was "out on two bails," they could not do anything to him, and, "I'll shoot y'all!" § 87(2)(b) appeared to be intoxicated, because of the aggressive statements he yelled at the officers, and he smelled of alcohol. When § 87(2)(b) started yelling, the other people at the party, who had been complying with the officers' instructions to disperse, stopped due to § 87(2)(b)'s statements. § 87(2)(b) told the other individuals that they rented all their stuff for the party and told them to not listen to the officers. Another male pushed and pulled § 87(2)(b) away from the officers a couple times, but he kept coming back and yelling. PO Harris told the male to take § 87(2)(b) out of the park and might have said, "Take his ass out!" (34 Board Review).

PO Spence, PO Louis, PO Mancheno, PO Fermin, PO Lovera, Lieutenant Israilov, and PO Kirk generally confirmed that § 87(2)(b) appeared intoxicated and yelled and cursed at officers as they tried to have the party disperse. PO Swift and PO Fermin arrived on the scene after § 87(2)(b) was arrested. No other officers corroborated the threats that PO Harris alleged § 87(2)(b) made. PO Spence, PO Louis, PO Mancheno, PO Fermin, PO Swift,

PO Lovera, and Lieutenant Israilov all denied that they or any officer used any profanity toward any individual. PO Kirk denied that she used any profanity toward any individuals, but said that she heard unknown officers make statements to the crowd along the lines of, "Get the fuck out of the park!" or "Get your asses out of the park!" (30, 32, and 35-39 Board Review).

P.G. 203-09 says that officers must be courteous and respectful (45 Board Review).

PD v. PO Michael Quinn says that the use of strong language during a stressful street encounter does not rise to the level of misconduct (Disciplinary case# 78163/02 & 78542/03) (46 Board Review).

§ 87(2)(g)

Allegation F –Force: Police Officer Abel Lovera used physical force against § 87(2)(b)

Allegation G –Force: Lieutenant Roman Israilov used physical force against § 87(2)(b)

Allegation H –Force: Police Officer Emily Harris used physical force against § 87(2)(b)

Allegation I –Force: Officers used physical force against § 87(2)(b)

During his interview, § 87(2)(b) said that he had drunk two cups of Hennessey during the party and that his memory of the incident was not clear. After he complained that the party had a permit, the officers specifically focused on him and told him to leave the park. The officers then took § 87(2)(b) to the floor, and handcuffed him, but he did not know why. § 87(2)(b) did not sustain any injuries. § 87(2)(b) was escorted out of the park immediately after being handcuffed. In an earlier phone statement, § 87(2)(b) said that as they disputed whether they needed to leave the park, he told an officer, "I got the permit right here officer" and showed it again while stepping backward. The officer said, "Get him" and several unknown officers tackled him. § 87(2)(b) did not resist or move around at all while he was on the ground, but the officers still told him that he was resisting arrest repeatedly. The officers bent one of § 87(2)(b)'s arms behind his back and handcuffed it. § 87(2)(b)'s other hand was not handcuffed at that time and the officers claimed he resisted with this hand, which he denied. After being handcuffed, § 87(2)(b) was literally dragged two or three feet to an RMP by unknown officers. § 87(2)(b) explained that he was facing forward and the officers dragged him by the back of his neck, his handcuffed arm, and the back of his shirt. § 87(2)(b) did not refuse to walk or drag his feet. § 87(2)(b) sustained scraped knees during the incident, but no other injuries. § 87(2)(b) was shown § 87(2)(b)'s video# 3 and explained that at approximately 00:27 everyone told him to relax after he "went crazy." § 87(2)(b) explained that he decided to not let the officers handcuff him, because they had just choked him for no reason (22 and 26 Board Review).

§ 87(2)(b) said that, while they were disputing whether there was a permit, § 87(2)(b) walked up to two officers and complained that this was his family's event. PO Lovera told § 87(2)(b) "Alright, just leave" and pushed him slightly away from the officers. Another officer then approached § 87(2)(b) from the side and tackled him to the floor. While § 87(2)(b) was being arrested, he complained that he was not doing anything, but the two officers repeatedly told him to calm down. § 87(2)(b) was crying and very emotional, but he was not intoxicated. While the officers arrested § 87(2)(b), § 87(2)(b) jumped on top of the officers and fought with them along with several other individuals. § 87(2)(b) never needed or obtained medical treatment. In an earlier phone statement to IAB, § 87(2)(b) said, the officers "trampled him and slammed him on top of the floor" and arrested him despite the fact that he "did not touch one officer" nor attempted to fight (07, 8, and 20 Board Review).

§ 87(2)(b) said that § 87(2)(b) got upset and Lieutenant Israilov replied, "It is what it is. You all gotta clean up and go." § 87(2)(b) held § 87(2)(b) while telling him to leave it alone and not mess up the good time. § 87(2)(b) replied with something along the lines of, "Shut the fuck up! No, fuck that! This is my nephew's party. We got the permit and should be able to have a good time. We're doing everything that's right. No one is doing anything wrong. I don't understand why they're out here messing with us." § 87(2)(b) walked over and told § 87(2)(b) to calm down and not disrespect his mother in front of everyone. § 87(2)(b) replied, "I don't give a fuck! They're fucking up my nephew's party! This shit ain't going down like that! Nah they messing up my nephew's party!" § 87(2)(b) then pushed § 87(2)(b) into a fence and said, "Get the hell out of my face!" An officer grabbed § 87(2)(b) because he and § 87(2)(b) got into a "tug of war" and § 87(2)(b) was in the middle. § 87(2)(b) held onto § 87(2)(b) and § 87(2)(b) believed that if § 87(2)(b) had let go, § 87(2)(b) would have started swinging his fists at officers. § 87(2)(b) and other individuals tried to tell the officers that § 87(2)(b) was bi-polar and was going to snap if they kept arguing with him. § 87(2)(b) did not observe what § 87(2)(b) did immediately prior to the officers jumping on him, but she believed that he hit one of them. § 87(2)(b) did not try to hit an officer intentionally, but he was trying to pull away from the officers and while doing this one of his hands hit an officer. The officers took § 87(2)(b) to the ground. There were so many officers that § 87(2)(b) did not know whether § 87(2)(b) was still struggling on the ground. § 87(2)(b)'s earlier phone statement was generally consistent with her CCRB testimony (18 and 28 Board Review).

§ 87(2)(b) said § 87(2)(b) refused three orders to leave the park and raised his voice at his family. A male officer then grabbed § 87(2)(b)'s arm to pull him out of the park, but because § 87(2)(b) was pulling him too, both she and § 87(2)(b) fell to the floor. § 87(2)(b) stopped resisting the officers once he was on the ground. § 87(2)(b) did not see any physical contact between officers and § 87(2)(b) when he was on the ground. In a separate written statement, § 87(2)(b) said that after refusing to leave, a female officer and a male officer became frustrated and grabbed § 87(2)(b) while telling him to put his hands behind his back. § 87(2)(b) did not like that the female officer pushed him and "bounced back." The female officer might have feared that § 87(2)(b) was going to hit her and so started using force to turn him around (17, 33, and 40 Board Review).

§ 87(2)(b) said one of the officers pushed § 87(2)(b). Lieutenant Israilov held § 87(2)(b)'s neck using his hand while another officer held § 87(2)(b) on

the ground using his knee on § 87(2)(b)'s back. § 87(2)(b) did not struggle, but willingly got onto the floor and surrendered (21 Board Review).

§ 87(2)(b) said officers grabbed § 87(2)(b) who yelled at the officers that the people were leaving and were not "fucking doing nothing!" § 87(2)(b) observed Lieutenant Israilov trying to move through the crowd, because the situation turned into a "brawl" in which § 87(2)(b) and other individuals fought with the officers (14 Board Review).

§ 87(2)(b) and § 87(2)(b) said that officers used force to handcuff § 87(2)(b) but denied that he resisted (12, 13, 16, 19, and 27 Board Review).

§ 87(2)(b) and § 87(2)(b) said the officers pushed § 87(2)(b) (23-25 Board Review).

Video# 3 only shows a small portion of the incident. Lieutenant Israilov is observed behind a chest high chain link fence as § 87(2)(b) stands in front of him while yelling and moving his hands around. Lieutenant Israilov appears to grab § 87(2)(b)'s arms as § 87(2)(b) says, "It's my family bro." Another male says, § 87(2)(b) just fucking do what they tell you. Just do it. Just do it," while a female asks, "Why y'all locking him up?" At 00:33, a second blue uniformed white male officer can be observed holding § 87(2)(b) on the ground. At 00:49, a female says, § 87(2)(b) stop!" Immediately after, Lieutenant Israilov says to § 87(2)(b) "You're good. Relax." At 00:56 § 87(2)(b) appears to be speaking to Lieutenant Israilov and a male says, § 87(2)(b) relax." At 01:00 clicking sounds can be heard. At 01:10 a second male says, "Lieutenant, that's my son over there. I'm coming over there. Do you see this bullshit? I told him to stay away from them." The video then ends (09 and 11 Board Review).

Lieutenant Israilov said that after approximately 15 or 20 minutes, § 87(2)(b) came up to him and started cursing and saying the officers should not disperse the party. § 87(2)(b) had alcohol on his breath, slurred speech, and red eyes. Lieutenant Israilov told § 87(2)(b) that no one was supposed to be in the park after dark and everyone had to leave the park. § 87(2)(b) kept cursing, and was ordered multiple times by numerous officers to leave the park. § 87(2)(b) refused and moved closely to PO Lovera until he stood right in front of him. Lieutenant Israilov did not remember if § 87(2)(b) was gesturing, cursing, or speaking when he walked in front of PO Lovera. PO Lovera pushed § 87(2)(b) back a couple of feet and § 87(2)(b) responded by slapping PO Lovera's hand hard enough to leave a mark.

Lieutenant Israilov then ordered § 87(2)(b) placed under arrest, but it took the officers approximately 15 minutes to get to him, because his family blocked and fought with the officers. § 87(2)(b) violently resisted by pulling away and moving his arms around, but Lieutenant Israilov did not remember if § 87(2)(b) ever intentionally struck any officers. Several officers, including Lieutenant Israilov, assisted in handcuffing § 87(2)(b) but it was a big commotion and he did not specifically remember which officers participated. Lieutenant Israilov took § 87(2)(b) to the ground with PO Lovera's assistance by grabbing him by the back and pulling him away from his family and toward the ground using all his strength, causing § 87(2)(b) to fall. Lieutenant Israilov fell to the ground as well. Lieutenant Israilov first said that § 87(2)(b) allowed officers to handcuff him while he was on the ground, but later said § 87(2)(b) resisted by moving his hands away until he got tired. The struggle to handcuff § 87(2)(b) lasted one to two minutes. Lieutenant Israilov did not remember whether PO Harris participated in § 87(2)(b)'s handcuffing.

§ 87(2)(b) never complained of any injuries. Later at the stationhouse, § 87(2)(b) refused medical attention and Lieutenant Israilov did not observe any injuries on him. No force was used on § 87(2)(b) by Lieutenant Israilov other than pulling his hands behind his back. Lieutenant Israilov did not remember whether officers put their hands and knees on § 87(2)(b)'s back.

Lieutenant Israilov was shown § 87(2)(b)'s video# 3. It was pointed out that at the beginning of the video, § 87(2)(b) was standing up and was not handcuffed. Lieutenant Israilov believed that the part of the incident where he placed § 87(2)(b) to the ground was before this video took place. Lieutenant Israilov believed that § 87(2)(b) then stood back up at some point (30 Board Review).

PO Harris' and PO Lovera's statements were generally consistent with that of Lieutenant Israilov. PO Lovera added that he escorted § 87(2)(b) to an RMP. PO Lovera did not remember whether § 87(2)(b) resisted being escorted to the RMP, but neither he nor any officer ever physically dragged § 87(2)(b). PO Spence confirmed that he transported § 87(2)(b) but said that § 87(2)(b) never complained of any injuries or requested medical attention and did not appear injured (31, 34, and 39 Board Review).

PO Mancheno, PO Kirk, PO Spence, and PO Louis's statements were generally consistent with that of Lieutenant Israilov, but they were focused on crowd control and did not observe § 87(2)(b)'s handcuffing (36-39 Board Review).

PO Swift and PO Fermin said that they only arrived at the park later after § 87(2)(b) had been arrested (32 and 35 Board Review).

A TRI incident report prepared for this incident by PO Lovera and approved by Lieutenant Israilov noted that hand strikes, wrestling/grappling, and pushing/shoving was used against officers during § 87(2)(b)'s arrest. No injuries were noted as sustained by PO Lovera. The report noted that PO Lovera used a forcible takedown against § 87(2)(b) because he was fleeing (41 Board Review).

Arrest report# § 87(2)(b) notes that § 87(2)(b) was intoxicated and that physical force was used to control and restrain him (49 Board Review).

§ 87(2)(b)'s arrest photograph does not show any visible injuries (50 Board Review).

No Medical Treatment of Prisoner Report was prepared for § 87(2)(b).

P.G. 221-01 says that officers may use reasonable force when necessary to ensure the safety of officers, a third person, protect life or when it is necessary to place a person into custody or prevent escape (47 Board Review).

§ 87(2)(g)

[REDACTED]

§ 87(2)(g)

Allegation L –Force: Officers used physical force against § 87(2)(b) and individuals.
Allegation M –Force: Police Officer Isiah Spence used physical force against individuals.
Allegation N –Force: Police Officer Diery Louis used physical force against individuals.
Allegation O –Force: Police Officer Manuel Mancheno used physical force against individuals.
Allegation P –Force: Police Officer Lace Kirk used physical force against individuals.
Allegation Q –Force: Police Officer Emily Harris used physical force against § 87(2)(b)

Allegation R –Abuse of Authority: Police Officer Emily Harris threatened to arrest

§ 87(2)(b)

§ 87(2)(b) said that after observing § 87(2)(b) be tackled by an officer, she jumped on top of the officer and another officer jumped on top of her she and other individuals began fighting with the officers. § 87(2)(b) said repeatedly that she should have been arrested, because she fought with at least five officers. An officer pulled her away from another officer because § 87(2)(b) refused to let go, causing her to sustain minor scrapes. Several of her unknown friends and officers were jumping and pulling on each other. § 87(2)(b)'s children, John § 87(2)(b) and § 87(2)(b) also fought with the officers. § 87(2)(b)'s earlier IAB phone statement was generally consistent with her interview, but she added that § 87(2)(b) was seven months pregnant and was pushed by an officer. When § 87(2)(b) was pulled away from § 87(2)(b) by officers, she sustained bruised knees (07, 08, and 20 Board Review).

§ 87(2)(b) said that at some point during the struggle, § 87(2)(b) grabbed him. He denied that any individuals tried to pull the officers away from him. In an earlier phone statement, § 87(2)(b) said that when § 87(2)(b) asked why § 87(2)(b) was being arrested unknown officers told her to back up and then tackled her (22 and 26 Board Review).

§ 87(2)(b) said that when § 87(2)(b) was being arrested, § 87(2)(b) held him around the waist and an officer grabbed her around the waist and told her to let go. § 87(2)(b) refused and officers jumped on her back to pull her away from § 87(2)(b). The officers took § 87(2)(b) to the ground when they took § 87(2)(b) to the ground. § 87(2)(b) did not know if § 87(2)(b) was still struggling on the ground. When an officer pushed § 87(2)(b) § 87(2)(b) ran up to the officers to try to jump on them, but § 87(2)(b) and § 87(2)(b) grabbed him. In an earlier phone statement, § 87(2)(b) said the crowd tried to

pull the officers off of § 87(2)(b) and § 87(2)(b) and things got chaotic (18 and 28 Board Review).

§ 87(2)(b) said that when an officer grabbed § 87(2)(b) grabbed § 87(2)(b)'s other arm and yelled, "Don't leave him! Y'all not going to kill my son!" The officers yelled for everyone to move back and began pushing people back. Prior to pushing § 87(2)(b) an officer specifically told her "Move! Go somewhere!" § 87(2)(b)'s little brother, § 87(2)(b) "got hysterical" and yelled, "That's my brother! Leave him alone! You're always messing with him!" PO Harris saw § 87(2)(b) and pushed him away from § 87(2)(b) and said, "Well you're acting disorderly too. Let's go!" PO Harris grabbed § 87(2)(b)'s shirt, but he pulled away. In an earlier phone statement, § 87(2)(b) only said that § 87(2)(b) grabbed § 87(2)(b) to prevent the officers from taking him. In a separate written statement, § 87(2)(b) only said that the crowd yelled at the officers when they struggled with § 87(2)(b) (17, 33, and 40 Board Review).

§ 87(2)(b) said the officers separated § 87(2)(b) from the crowd, which upset § 87(2)(b) who ran over and yelled, "That's my son! Let me take care of him!" Officers pushed § 87(2)(b) and § 87(2)(b) to the floor. Neither § 87(2)(b) nor § 87(2)(b) ever fought with the officers, but several individuals got involved with the situation (23 and 25 Board Review).

§ 87(2)(b) said two officers held § 87(2)(b) on the ground even though she was not doing anything. § 87(2)(b) told the officers that § 87(2)(b) was not doing anything, but an officer pushed him and told him to back up. § 87(2)(b) replied that he was not doing anything and went to help § 87(2)(b) off of the ground. Two officers then placed § 87(2)(b) onto the ground (21 Board Review).

§ 87(2)(b) confirmed that § 87(2)(b) pulled on § 87(2)(b) to prevent them from taking him and in response, an officer pushed § 87(2)(b) to the ground (24 Board Review).

§ 87(2)(b) confirmed that during the scuffle, § 87(2)(b) held onto § 87(2)(b) and that the officers responded by pulling § 87(2)(b) away. During the scuffle, § 87(2)(b) grabbed § 87(2)(b) because he was yelling at the officers for grabbing his mother (14 Board Review).

§ 87(2)(b) confirmed that there was pushing and shoving between the officers and other individuals when they arrested § 87(2)(b). During this time, an officer pushed § 87(2)(b) intentionally to the ground, bruising her knee. § 87(2)(b) said that when Lieutenant Israilov and another officer jumped on § 87(2)(b) a third officer jumped on § 87(2)(b) who was not fighting at all (15 Board Review).

§ 87(2)(b) said § 87(2)(b) told the officers to leave § 87(2)(b) alone and two officers threw § 87(2)(b) Contreras Bryant, and § 87(2)(b) to the ground. An officer then threw § 87(2)(b) onto the ground a second time. § 87(2)(b) jumped on top of § 87(2)(b) when the officers were hitting him, and took all the officers' hits (12 Board Review).

§ 87(2)(b) observed officers grab § 87(2)(b) knock her to the ground, and grab a second female (16 Board Review).

§ 87(2)(b) said § 87(2)(b) got in front of the officers arresting § 87(2)(b) and yelled, "They're going to kill my son! They're going to kill my son!" (13 Board Review).

§ 87(2)(b) only said § 87(2)(b) was standing in front of § 87(2)(b) and the officers told her to move. (27 Board Review).

Upon reviewing Video# 1, provided by § 87(2)(b) which only captures a small portion of the incident, there is lots of screaming, and a female voice is heard yelling, "Get off him!" The person filming is behind a chest high chain link fence. At 00:04, two black females wearing white t-shirts are observed behind the fence. One of these females appears to be wearing a white head band. A blue uniformed light skinned male officer is then observed holding § 87(2)(b) who is wearing white shorts, around her waist. § 87(2)(b) is bending over toward the ground and moving around as though struggling. A male voice can be heard yelling, "Get back!" The video then ends (09 and 10 Board Review).

Video# 3 begins with Lieutenant Israilov behind a chest high chain link fence. At 00:07, a black female wearing a white t-shirt with a white head band is observed holding onto the chain link fence in such a way that her arm is touching Lieutenant Israilov's back. A second light skinned male officer in a blue uniform holds onto the female and pulls her arm away from Lieutenant Israilov. A male voice can be heard repeatedly saying, "Get back" (09 and 11 Board Review).

Lieutenant Israilov said that approximately 12 male and female family members of § 87(2)(b) surrounded him to block officers from getting to him. While § 87(2)(b) was handcuffed, the same family members pulled officers away from him, ripping Lieutenant Israilov's shirt in the process. People tried to jump on top of § 87(2)(b) while he was on the ground and pull him away from the officers as the officers instructed them to step back. Lieutenant Israilov did not charge other individuals with interfering because he just wanted to arrest § 87(2)(b) and transport him out of the park before a riot ensued. Other officers conducted crowd control while he and other officers handcuffed § 87(2)(b). Lieutenant Israilov did not remember any civilians being pushed to the ground or anyone complaining of this. Officers pushed a group of people away from § 87(2)(b) but Lieutenant Israilov did not remember any female being dragged or pulled away from § 87(2)(b) (30 Board Review).

PO Mancheno, PO Kirk, PO Spence, PO Lovera, and PO Louis's statements were generally consistent with that of Lieutenant Israilov. PO Spence and PO Louis added that they pushed and pulled individuals off of Lieutenant Israilov, but were not sure whether any of them fell to the ground (31 and 36-39 Board Review).

PO Harris's testimony was generally consistent with that of Lieutenant Israilov. PO Harris acknowledged pushing and pulling members of the crowd away from § 87(2)(b) during the struggle to handcuff him. PO Harris did not remember preventing a teenage male from running toward § 87(2)(b) (34 Board Review).

PO Swift and PO Fermin said that they only arrived at the park after § 87(2)(b) had been arrested (32 and 25 Board Review).

P.G. 221-01 says that officers may use reasonable force when necessary to ensure the safety of officers, a third person, protect life or when it is necessary to place a person into custody or prevent escape (47 Board Review).

§ 87(2)(g)

§ 87(2)(g)

Allegation U –Discourtesy: Police Officer Michael Swift spoke discourteously to § 87(2)(b)

Allegation V –Discourtesy: Police Officer Michael Swift spoke discourteously to § 87(2)(b)

Allegation W –Abuse of Authority: Police Officer Michael Swift threatened § 87(2)(b) with the use of force.

Allegation X –Abuse of Authority: Police Officer Michael Swift refused to provide his name and/ or shield number to § 87(2)(b)

After § 87(2)(b) was arrested, § 87(2)(b) said PO Swift saw her try to re-enter the park and said, “Didn’t we tell y’all not to come back into the park? That’s trespassing.” § 87(2)(b) replied that she needed to enter the park to clean up or the officers would charge them for littering and PO Swift told her, “You got a smart ass mouth.” § 87(2)(b) replied that, “if it was the truth it was the truth” and kept walking into the park while yelling she had officers in her family and a lot of the officers would lose their jobs. PO Swift and § 87(2)(b) continued arguing and PO Swift repeatedly called her a “smart ass.” § 87(2)(b) told PO Swift she could get him fired and began writing down officers’ shield numbers. PO Swift told § 87(2)(b) she was not getting their shield numbers and told her to put her hands behind her back. § 87(2)(b) replied, “For what? I’m not doing nothing! I need your badge number!” PO Swift replied, “You can’t have nothing! Put your hands behind your back before I Taser you!” While making that statement, PO Swift drew and pointed his Taser at § 87(2)(b) who was standing two to three feet away from him while yelling. § 87(2)(b) asked, “Tasing me for what? Y’all come up in here busting up on us military style and it’s not that serious! It’s a kid’s party!” PO Swift responded, “Well now you’re going to jail!” A nearby Asian male officer repeatedly told § 87(2)(b) “calm down baby” and to put her hands behind her back before she made the situation worse. PO Swift added, “Or I’m going to Taser your ass.” § 87(2)(b) yelled that she was going to get them fired and let herself be handcuffed. In her earlier phone statement, § 87(2)(b) did not corroborate that PO Swift called her a “smart ass,” but that he said, “Didn’t I fucking tell y’all that it was time to leave the park?” (18 and 28 Board Review).

§ 87(2)(b) said in her CCRB interview that § 87(2)(b) was cursing and yelling a lot, but the officers were as well. § 87(2)(b) was upset because her kids were at the party and the officers had used pepper spray. PO Swift told § 87(2)(b) that she was being loud and ordered her to exit the park. § 87(2)(b) responded by walking back and forth, but PO Swift followed her. § 87(2)(b) told PO Swift that he was provoking § 87(2)(b). PO Swift responded that he was following her because he had told her to leave the park. § 87(2)(b) yelled that she had family in the NYPD and was going to cause PO Swift to lose his job. § 87(2)(b) did not actually hear PO Swift curse at § 87(2)(b) but § 87(2)(b) later told her that PO Swift did so. § 87(2)(b) said that § 87(2)(b) could say whatever she wanted, but that he was just provoking her. PO Swift then

told § 87(2)(b) “Get the fuck out of the park” and so she pulled § 87(2)(b) out of the park. § 87(2)(b) stood outside the park next to a marked police van and continued to say things to the officers. § 87(2)(b) told § 87(2)(b) to shut up, because they would take her to jail and PO Fermin told § 87(2)(b) to please be quiet. § 87(2)(b) refused and continued to yell at the officers. PO Swift then instructed § 87(2)(b) to put her hands behind her back and instructed PO Fermin to arrest § 87(2)(b). § 87(2)(b)'s earlier phone statement was generally consistent with her CCRB interview. § 87(2)(b)'s written statement was generally consistent with her CCRB interview and phone statement, but she did not mention PO Swift using profanity toward § 87(2)(b) and did not mention § 87(2)(b)'s arrest (17, 33, and 40 Board Review).

PO Swift said while people were leaving the park, § 87(2)(b) began screaming and cursing at officers while waving her arms. § 87(2)(b) said that the officers “weren’t going to do nothing, couldn’t touch her,” and that she “could do what she wanted.” PO Swift informed § 87(2)(b) that she had to leave the park. § 87(2)(b) initially complied, but turned around when she reached the park entrance and continued screaming and cursing at the officers. PO Swift told § 87(2)(b) she must leave the park, and that if she did not she would be placed under arrest. § 87(2)(b) made excuses for staying in the park, saying that she was waiting for other people to leave. § 87(2)(b) told § 87(2)(b) to stop arguing. PO Swift told her that did not matter, as everyone was leaving. PO Swift felt as if § 87(2)(b) was encouraging people to not comply to incite a riot and he wanted to defuse the situation. PO Swift had no idea if § 87(2)(b) was writing on a piece of paper when speaking to him or if she ever said she was going to write down his shield number. PO Swift did not use any profanity towards § 87(2)(b) or § 87(2)(b). § 87(2)(b) walked to the park entrance again, but turned around for a third time and approached the officers. PO Swift then told her she was under arrest and he and PO Fermin handcuffed her. PO Swift did not recall whether § 87(2)(b) ever asked for his name or shield number and never refused to provide it or told her she could not write it down. PO Swift was not sure if he carried a Taser that day because there was no mention of one in his memo book, but he usually does. PO Swift did not draw and point a Taser at § 87(2)(b). PO Swift never made any threats to Taser § 87(2)(b) (32 Board Review).

PO Fermin generally corroborated PO Swift’s testimony. PO Fermin added that § 87(2)(b) left the park and came back with two friends, including § 87(2)(b) § 87(2)(b) repeatedly told § 87(2)(b) to leave and put an arm on § 87(2)(b)'s back to turn her around to leave. PO Fermin denied that PO Swift drew his Taser or made any threats to Taser § 87(2)(b). PO Fermin did not see § 87(2)(b) writing on a piece of paper or hear her ask officers for their shield numbers (35 Board Review).

No other civilians or officers observed this interaction.

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g) [Redacted]
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§ 87(4-b), § 87(2)(g) [Redacted]
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Squad: 3

Investigator: _____
Signature Print Date

Squad Leader: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date